

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MARIO A. VALENZUELA,

Plaintiff,

v.

SANTIESTEBAN, *et al.*,

Defendants.

Case No. 1:20-cv-01093-JLT-BAM (PC)

ORDER DIRECTING DEFENDANTS
SANTIESTEBAN, RODRIGUEZ, AND
PEREZ TO FILE AMENDED ANSWER OR
NOTIFY COURT OF WILLINGNESS TO
STAND ON ORIGINAL ANSWER

THIRTY (30) DAY DEADLINE

Plaintiff Mario A. Valenzuela (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On April 8, 2025, Plaintiff filed a motion for leave to file an amended complaint a proposed first amended complaint. (ECF No. 76.) The motion was granted and the undersigned screened the first amended complaint. (ECF Nos. 77, 79.) The findings and recommendations were adopted in full and this action now proceeds on Plaintiff’s first amended complaint against: (1) Defendants Santiesteban, Rodriguez, and Gamboa for excessive force in violation of the Eighth Amendment for the incident on June 22, 2019; and (2) Defendant Perez for failure to protect against the alleged excessive force for the incident on June 22, 2019, in violation of the Eighth Amendment.¹ (ECF No. 80.)

¹ Defendants Alejo, Perez, Rodriguez, and Santiesteban filed an answer in response to the original complaint on January 5, 2021. (ECF No. 23.) Defendant Alejo has since been dismissed from

1 By separate order, the Court has directed service of the first amended complaint on
2 Defendant Gamboa under the Court's E-Service pilot program.

3 At this time, the Court finds it appropriate to direct Defendants Santiesteban, Rodriguez,
4 and Perez to file an amended answer in response to the first amended complaint, or notify the
5 Court in writing that they wish to stand on the January 5, 2021 answer filed in response to the
6 original complaint. *See* Fed. R. Civ. P. 15(a)(2).

7 Accordingly, IT IS HEREBY ORDERED that within **thirty (30) days** from the date of
8 service of this order, Defendants Santiesteban, Rodriguez, and Perez SHALL **either**:

- 9 1. File an amended answer in response to the May 16, 2025 first amended complaint, (ECF
10 No. 78); **or**
11 2. Notify the Court in writing that they wish to stand on the January 5, 2021 answer filed in
12 response to the original complaint.

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14 IT IS SO ORDERED.

15 Dated: **June 26, 2025**

16 /s/ Barbara A. McAuliffe
17 UNITED STATES MAGISTRATE JUDGE
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this action. (ECF No. 80.)